

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:07-CR-16

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	
	)	
vs.	)	ORDER
	)	
MELISSA BEDFORD BLALOCK,	)	
Defendant,	)	
and	)	
	)	
MH HOSPITAL MANAGER, LLC,	)	
Garnishee.	)	
_____	)	

This matter is before the Court on the Government’s Motion for Order of Continuing Garnishment (Doc. 36). Defendant has not responded to the Motion.

Pursuant to the Federal Debt Collection Procedures Act, a judgment debtor or the United States may file a written objection to the answer of a garnishee and request a hearing. Such filings are due “within 20 days after receipt of the answer.” 28 U.S.C. § 3205(c)(5).

Here, a Writ of Continuing Garnishment (the “Writ”, Doc. 30) was entered on July 15, 2021. The Government sent a garnishment package (which included the Government’s application for the Writ, the Writ, and instructions to Defendant informing her of her right to seek a hearing or claim certain exemptions, see Doc. 31) to Defendant on July 21, 2021. See Doc. 32

(Certification of Mailing of Documents to Defendant and Garnishee).<sup>1</sup> There is no information in the record that Defendant received this package.

An Answer of Garnishee (Doc. 33), which indicates that the Garnishee has property or funds owned by or owing to Defendant, was filed on August 16, 2021. The certificate of service shows that the Answer was mailed to Defendant on August 12, 2021, though the signature is not notarized.

On August 25, 2021, the Government apparently re-sent another copy of the original garnishment package to Defendant by Federal Express, as evidenced by a Supplemental Certification of Mailing of Documents to Defendant. Doc. 34. That package was delivered on August 27, 2021. Doc. 36-1. According to the Supplemental Certification, however, the Garnishee's Answer was not included in that package.

From this record, the undersigned is unable to conclude whether Defendant has received the Garnishee's Answer such that her objection period has run.

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<sup>1</sup> The Certification filed on July 21 states that the package was sent by Federal Express. Doc. 32 at 1. The instant Motion, though, states that the package was sent by certified mail. Doc. 36 at 1.

Accordingly, the Government's Motion for Order of Continuing Garnishment (Doc. 36) is **DENIED WITHOUT PREJUDICE**.

It is so ordered.

Signed: October 20, 2021

A handwritten signature in black ink, reading "W. Carleton Metcalf", written over a horizontal line.

W. Carleton Metcalf  
United States Magistrate Judge

